

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARQUISE E. HAYES,

Plaintiff,

vs.

Civil Action No. 12-cv-15231
HON. BERNARD A. FRIEDMAN
MAG. JUDGE R. STEVEN WHALEN

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation ("R&R") dated November 27, 2013 [docket entry 21]. The R&R recommended that the Court partially grant plaintiff's motion for summary judgment [docket entry 13] and deny the Commissioner's motion for summary judgment [docket entry 19]. Neither plaintiff nor the Commissioner has filed an objection to the R&R pursuant to Fed. R. Civ. P. 72(b)(2).

The Court had an opportunity to fully review this matter and believes that the magistrate judge reached the correct conclusions for the proper reasons. In this case, remand is appropriate because it does not appear that the residual functional capacity assessment accounts for the complete scope of plaintiff's psychiatric impairment. Furthermore, the administrative law judge should have procured vocational expert testimony in light of significant evidence that plaintiff's impairment would markedly limit the potential occupational base. Accordingly,

IT IS ORDERED that Magistrate Judge R. Steven Whalen's R&R, dated November 27, 2013, is hereby accepted and adopted and the Commissioner's decision is remanded for further proceedings in accordance therewith.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is granted in part.

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment is denied.

Dated: January 2, 2014
Detroit, Michigan

S/ Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE